IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 805 (S/S) of 2006

Vinod Singh,
S/o Mangal Singh,
Aged about 23 years,
R/o Village – Thanga Malla, Patti – Savli,
Tehsil – Thalisain,
District – Pauri Garhwal. **……..Petitioner**

V e r s u s

1. State of Uttaranchal through Secretary (Education), Dehradun, District – Dehradun.
2. Additional District Education Officer (Basic), Pauri, District- Pauri Garhwal.
3. District, Project Officer (Sarv Shiksha Abhiyan) Pauri, District- Pauri Garhwal.
4. Principal, District Education and Training Institute Chandigaon, District – Pauri Garhwal.
5. Block Education Officer, Bironkhal, District – Pauri Garhwal.
6. Finance and Accounts Officer (Basic) Pauri, District - Pauri Garhwal.
7. Principal Primary School, Thanga, Buransikhal, District – Pauri Garhwal.
8. Secretary, Gram Shiksha Samiti, Village – Thanga, Block – Buransikhal, District – Pauri Garhwal.

…….Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Rakesh Thapliyal, learned counsel for the petitioners and learned standing counsel for respondents.

2. By means of this writ petition, the petitioner has prayed for the following reliefs:

(i) *issue writ, order, or direction in the nature of Certiorari quashing the advertisement dated 20.02.2006 (Annexure No. 5) issued by Block Education Officer, Buransikhal.*

(ii) *issue a writ, order, or direction in the nature of Mandamus directing to the respondents to permit the petitioner to join as a Shiksha Mitra in Primary School, Buransikhal of Gram Panchayat, Thanga of District – Pauri Garhwal with immediate effect and to pay salary which is prescribed.*

(iii) *any other writ, order or direction which this Hon'ble Court may deem fit and proper on the basis of facts and circumstances of the case.*

(iv) *Award the cost of the petition to the petitioner.*

3. The facts of the case as narrated in the writ petition are that petitioner was appointed on the post of Shiksha Mitra by the Block Education Officer, Buransikhal, District – Pauri Garhwal on 20.01.2006 in pursuance to the advertisement dated 26.11.2005. On 01.02.2006, petitioner presented himself before Headmistress, Primary School, Thanga, Buansikhal, District – Pauri Garhwal but could not join because the Headmistress was absent on the aforesaid date. Again on 03.02.2006 petitioner went to Primary School, Thanga, Buransikhal, District – Pauri Garhwal for joining, however, again on that date, Headmistress was absent. On 04.02.2006, Headmistress informed the petitioner to come along with other members of Gram Shiksha Samiti and again petitioner went to the Primary School, Thanga, Buransikhal, District – Pauri Garhwal with the members of the Shiksha Samiti and Gram Pradhan but the Headmistress, Primary School, Thanga, Buransikhal,

District – Pauri Garhwal orally told to the petitioner that your appointment is being suspended and he will not be permitted to join. Consequently, aggrieved with the action of the Headmistress, petitioner submitted a representation before Block Education Officer, Buransikhal on 06.2.2006. Gram Pradhan also wrote a letter on 22.06.2006 to District Education Officer, Pauri Garhwal wherein it was stated that the petitioner was appointed as Shiksha Mitra but he is not being permitted to join on the post of Shiksha Mitra by the Headmistress, Primary School, Thanga, Buransikhal, District – Pauri Garhwal and requested District Education Officer to issue appropriate directions for ensuring the joining of petitioner on the aforesaid post.

4. Learned counsel for the petitioner has submitted that in the aforesaid letter District Education Officer make an endorsement directing the Block Education Officer, Buransikhal to take immediate action. However, no action has been taken by the Block Education Officer till date. On 20.02.2006, second advertisement has been issued by the Block Education Officer to fill up the post of Shiksha Mitra in the aforesaid Institution.

5. This court is not sitting here to execute the order passed by District Education Officer, Pauri Garhwal or Block Education Officer, Buransikhal. In case, the petitioner has been appointed in accordance with law, Block Education Officer and District Education Officer have sufficient power to enforce their orders. In case, the Headmistress, Primary School, Thanga, Buransikhal, District – Pauri Garhwal is not complying with the order passed by superior authority, they have sufficient power to take action against the Headmistress concerned. It is

expected from the District Education Officer, Pauri Garhwal and Block Education Officer, Buransikhal to take immediate action against the Headmistress, Primary School, Thanga, Buransikhal, District – Pauri Garhwal why she has not permitted the petitioner to join, in case, appointment order still survives and the appointment was made in accordance with law.

6. With this direction the writ petition is finally disposed of. No order as costs.

(M.M. Ghildiyal, J)

June 21, 2006
SKSharma